# SUPREME COURT OF THE UNITED STATES.

## No. 399.

CHARLES BAHLOR, PLAINTIFF IN ERROR,

vs.

THE STATE OF IOWA.

IN ERROR TO THE SUPREME COURT OF THE STATE OF IOWA.

INDEX.


| | Original. | Print. |
|---|---|---|
| Indictment | 2 | 1 |
| Indictment, date of filing | 2 | 1 |
| Order for bench warrant | 2 | 1 |
| Plea of not guilty | 3 | 2 |
| Motion and affidavit for continuance | 3 | 2 |
| Notice to introduce witnesses | 5 | 3 |
| Jury impanelled and verdict | 5 | 3 |
| Motion for new trial and ruling | 6 | 4 |
| Bill of exceptions | 7 | 4 |
| United States license | 7 | 4 |
| Refusal to admit license | 7 | 4 |
| Instructions to jury | 8 | 5 |
| Instructions to jury refused | 9 | 5 |
| Motion for new trial | 10 | 6 |
| Judgment | 10 | 6 |
| Appeal bond | 11 | 7 |
| Notice of appeal to clerk | 13 | 8 |
| Notice of appeal to district attorney | 14 | 8 |
| Clerk's certificate | 15 | 9 |
| Judgment | 16 | 9 |
| Certificate of clerk of supreme court | 19 | 10 |
| Writ of error | 20 | 10 |
| Certificate of chief justice | 22 | 11 |
| Certificate of clerk supreme court | 24 | 12 |
| Citation | 25 | 12 |

1 Pleas and proceedings before the district court of Polk county, Iowa, at the January 1866, term, begun and held at regular term thereof, on the 8th day of January, 1866, the Hon. Charles C. Nourse, judge of the 5th judicial district court, presiding.

STATE OF IOWA
*vs.*
CHARLES BAYLOR.

2 Be it remembered, that heretofore, to wit, on the 27th day of July, A. D. 1865, there was filed in the office of the clerk of the district court for said county and indictment in words and figures following, to wit:

*Indictment for keeping a nuisance.*

District court of the county of Polk.

STATE OF IOWA
*vs.*
CHARLES BAYLOR.

The grand jury for the county of Polk, in the State of Iowa, being legally empanelled in the name and by the authority of the State of Iowa, accuse Charles Baylor of the crime of keeping a nuisance committed as follows:

The said Charles Baylor, on the 1st day of March, 1865, and on each and every other day from that time until the finding of this indictment, in the city of Des Moines, in the county and State aforesaid, did unlawfully establish, continue, and use a building and place for the purpose and with the intent of selling intoxicating liquors therein, in the State of Iowa, contrary to law, and then and there did sell gin, rum, brandy, whiskey, and other intoxicating liquors, contrary to law, to the great annoyance and common nuisance of all the good people of the said county of Polk, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Iowa.

H. W. MAXWELL,
*District Attorney of the 5th Judicial District of Iowa.*

The within indictment was presented to the district court of Polk county, Iowa, in open court by the foreman of the grand jurors, and filed by the clerk of said court on this 27th day of July, 1865.

H. H. GRIFFITH,
*Clerk District Court, Polk County, Iowa.*

3 I hereby order a bench-warrant to issue forthwith on the indictment for the arrest of said defendant, and his bail is fixed at three hundred dollars.

WM. LANGHNGE, *Judge.*

And afterwards, to wit, on the 1st day of August, 1865, there was filed in the office of said clerk a plea of not guilty, with reservations, in words and figures following, to wit:

STATE OF IOWA
*vs.*
CHARLES BAYLOR.

Now comes the defendant and pleads not guilty, expressly, however, saving and reserving the right to withdraw this plea, and attack the indictment herein by demurrer or motion to set aside, if upon examination the same shall be deemed defective and open to objection.

FINCH & ELWOOD,
*For Defendant.*

And afterwards, to wit, on the 8th day of August, A. D. 1865, there was filed in the office of said clerk a motion for continuance, in words and figures following, to wit:

STATE OF IOWA
*vs.*
CHARLES BAYLOR.

STATE OF IOWA, *Polk County, ss:*

I, Charles Baylor, of said county, being duly sworn, do depose and say that I am the defendant in the above-entitled action, that I, as defendant herein, am indicted for a nuisance under the 8th section of the act of the general assembly of the State of Iowa, entitled an "An act for the suppression of intemperance," which took effect July 1st, 1855; that the indictment against me herein was found at the present term of this court, and that I was arrested and arraigned on a bench warrant some four or five days since, and a day or two after the indictment was filed.

And I do further depose and say that I was not in custody, or on bail, nor had I deposited money instead of bail when this indictment was found against me, nor had I prior to the present term been arrested and held to bail for the said offence.

And I do further depose and say that the actions, criminal, ordinary, and equitable, triable at the present July term of this court, were duly arranged upon the calendar or docket prepared by the clerk of this court, as provided and required by section 3,005 of the revision of 1860, in the order therein specified.

That the court at this term proceeded to try and dispose of the said causes so arranged in their order and trial continued and disposed of all the criminal cases on said docket as required by section 3,006, with the exception of two or three cases, which, by consent, and assertion of the court, were set down for trial at a subsequent day in the term, that after the court had so disposed of the causes set down on the said calendar prepared by the said clerk as criminal causes as aforesaid, the court then entered upon the trial of the civil docket or calendar, and tried and disposed of several jury causes, and received several verdicts, and rendered judgments thereon.

And I do further say that I have, as I verily believe, a good and substantial defence to this action on the merits; that I have testimony material to my successful defence on the trial hereof,
5 which I have not been and am not now able to procure at this term of this court; that acting upon the statements and advice of my counsel herein that this cause could not be tried at this term of this court, unless I deemed a trial thereof, I have made no preparations for this trial, and am utterly unprepared to try this cause at this term of this court, but desire a continuance of the same in order to enable me to prepare for the trial of the same, and I hereby offer good and ample security for my appearance to answer to the indictment herein at the next term of this court, at which time I expect to be prepared for the trial hereof.

Therefore for the reasons appearing in this affidavit, I respectfully ask for a continuance of this action until the next term of this court, relying on the facts above stated and provisions of sections 3,005, 3,006, 2,723, and 4,725.

CHARLES BAYLOR.

Subscribed and sworn to by Charles Baylor, before me, this 8th day of August, 1865.

[SEAL.] A. MORRIS,
*Notary Public, Polk county, Iowa.*

And afterwards, to wit, on the 11th day of January, 1866, the same being the fourth day of the January term of said court, the following proceedings were had:

STATE OF IOWA
*vs.* } 153 crim.
CHARLES BAYLOR.

Now on this day this cause came on to be heard, and the plaintiff appeared by the Hon. H. W. Maxwell, district attorney, and
6 the defendant by his attorneys, Phillips and Phillips, and there came a jury of twelve good and lawful men, to wit: Lemon Bennett, Edward Vaughn, David Hoger, W. A. Sheppard, G. W. Bangrover, John H. Morris, R. C. McMullen, R. C. McDaniel, W. S. Jutkins, W. S. Kenyon, C. W. Vanhorn, and A. C. Holmes, who being duly sworn to well and truly try the issues in this cause, and after hearing the evidence, the argument of counsel, and the instructions of the court, retired in charge of a sworn bailiff to consider their verdict, and after a time spent in deliberation, returned into court with the following verdict, to wit: "We, the jury, find the defendant guilty as charged in the indictment," whereupon the jury was discharged in this cause.

Afterwards, to wit, on the 15th day of January, 1866, the same being the 7th day of the January term of said court, the following proceedings were had, to wit:

STATE OF IOWA
*vs.*
CHARLES BAYLOR. } 153 crim.

Now comes Phillips & Phillips, attorneys for defendants, and files motion in arrest of judgment, and for a new trial, which is overruled by the court, which defendant excepts and files bill of exceptions duly settled and signed by the court.

And afterwards, to wit, on the same day, there was filed in the office of said clerk a bill of exceptions duly settled and signed by the court.

And afterwards. to wit, on the same day, there was filed in the office of said clerk a bill of exceptions in the words and figures following, to wit:

7 District court of Polk county, Iowa, June term 1866.

THE STATE OF IOWA
*vs.*
CHARLES BAYLOR.

Be it remembered, that in the trial of this cause, and after the State had rested its case and claimed the alleged nuisance to be in the city of Des Moines, Polk co., Iowa, the defendant offered in evidence a license, duly executed by the United States to the defendant, which license is in words and figures following, to wit:

No. 346. United States.

In force from May 1865. May 1st, 1866, expires.

To all whom it may concern:

This license is granted to Charles Baylor, of the city of Des Moines, in the county of Polk, and State of Iowa, to carry on the business or occupation of ret. liquor dealer, at No. street, in the aforementioned place, he having paid the tax of twenty-five dollars therefor, conformably to the provisions of the excise law of the United States. This license is to be in force until the first day of May, 1866, provided the holder thereof shall conform to the requirements of said laws and of such other law or laws as are now or may be in this behalf enacted.

Given under my hand and seal at Des Moines, this 19th day of October, A. D. 1865.

[SEAL.] S. HAINES,
*Collector of the 5th Collection District.*

That the court excluded such certificate or license, and refused to permit the defendant to give the same in evidence to the jury, to which ruling of the court and excluding of such evidence the
8 defendant then and there at the time excepted and ask that the same may be made to appear of record, and it is so ordered

by the court; that thereupon the court gave the jury the following instructions in the words and figures following, to wit, upon its own motion:

THE STATE OF IOWA
*vs.*
CHARLES BAYLOR. } Nuisance.

Defendant is charged with keeping a place for the sale of intoxicating liquors from the 1st of March to the finding of the indictment, July 27th, 1865. The keeping of intoxicating liquors with the intent to sell the same at a place as charged, constitute the gist of the offense.

The law makes the selling of intoxicating liquors presumptive evidence of keeping with intent to sell, and if you find from the evidence that the defendant sold intoxicating liquors contrary to law at the place and within the time as above specified, you will find the defendant guilty unless such presumption is rebutted by other evidence.

Evidence that defendant was in and about the place and waited upon customers and sold the liquors, if you find such from the evidence, is sufficient to charge him with keeping of the place.

Defendant must be proved guilty beyond a reasonable doubt before you can find him guilty; you are to consider all the facts and circumstances of the case as given in evidence before you, and if, from the evidence, you are fully and clearly satisfied, without reasonable doubt, that defendant kept the place as charged, for the purpose of selling intoxicating liquors you will find him guilty; otherwise you will find him not guilty.

9 If the evidence shows that defendant was only a clerk, and did not keep or use the place for the sale of liquors, he is not guilty as charged; but if the evidence shows that defendant sold intoxicating liquors at the placed charged, this is presumptive evidence of his keeping the same, and this presumption will prevail unless submitted by other evidence.

C. C. NOURSE.

That the foregoing is all the instructions given, and that to the giving of each and every of the foregoing instructions the defendant excepted at the time, and asks that the same be made of record herein, and it is so ordered by the court.

The defendant asked the court to instruct the jury before they retired to deliberate of their verdict as follows, to wit: That before they can find the defendant guilty of keeping a nuisance as charged, they must find that he erected, established, continued, or used a building, erection, or place, for the purpose of selling or keeping intoxicating liquors for sale in the county of Polk, Iowa, therein contrary to law; and that it is not sufficient to authorize you to find defendant guilty if the evidence simply shows a selling by defendant in the employ of another, he having at the time no control over the building, erection, or place where such liquors may have been kept.

That the defendant is presumed to be innocent of the offence charged until he shall be proven to be guilty; and that it is not enough that the State show simply that defendant was a clerk and so sold intoxicating liquors as such clerk to authorize you to find him guilty as charged.

And that the court refused to give each and every of the foregoing instructions so asked by defendant, to which refusal to so instruct the jury the defendant then and there excepted. And be it further remembered, after the jury returned into court their verdict and before judgment thereon, the defendant filed his motion in arrest of judgment and for a new trial in the words and figures following, to wit:

In the district court of Polk county, Iowa, January term, 1866.

THE STATE OF IOWA
*vs.*
CHARLES BAYLOR.

Comes now the defendant and moves the court in arrest of judgment and for new trial in the above cause, for the reasons following, to wit:

I. The verdict of the jury is not sustained by the law or by the evidence.

II. The court erred in refusing to permit the defendant to give as evidence on the trial his license from the United States as a retail liquor dealer and other evidence, and in excluding the same from the jury.

III. The court erred in giving to the jury instructions given by the court on its own motion.

IV. The laws of the State of Iowa upon and under which the indictment in this case is found, and upon which said indictment is based, is in conflict with the Constitution of the United States and acts of Congress thereof, and is in conflict with the provisions of the constitution of the State of Iowa, and is void.

PHILLIPS & PHILLIPS,
*Attorneys for Defendant.*

Which motion was by the court overruled, to which ruling of the court thereon the defendant then and there excepted, and asks that this his bill of exceptions may be signed and made a part of the record in this cause, and it is so ordered by the court.

CHARLES C. NOURSE, *Judge.*

And afterwards, to wit, on the 18th day of January, A. D. 1866, the same being the 10th day of the January term of said court, the following proceedings were had:

STATE OF IOWA
*vs.* 153.
CHARLES BAYLOR.

Now, on this day, this cause comes on to be heard, and for final sentence, and the defendant being personally present, in open court,

and the court having inspected the indictment, the verdict of the jury, and all the pleadings herein, doth find that the defendant, Charles Baylor, is guilty as charged in the indictment, and doth sentence him to pay a fine of one hundred dollars and the costs of this action, and to stand committed until the same is paid.

It is therefore ordered and adjudged by the court that the plaintiff have and recover of the defendant, Charles Baylor, the sum of one hundred dollars and the costs of this suit, fixed at fifty-one $\frac{55}{100}$ dollars, and that execution issue therefor.

Signed by C. C. Nourse, judge, at the end of the day's proceedings.

And afterwards, to wit, on the 19th day of January, 1866, an appeal bond was filed in the office of said clerk in words and figures following, to wit:

12 Whereas, at the July term of the district court of Polk county, 1865, an indictment was found against Charles Baylor, accusing the said Charles Baylor of keeping a nuisance in Des Moines, Iowa.

And whereas, at the January term of said district court, A. D. 1866, the said Charles Baylor was tried and found guilty, and on the 18th day of January, A. D. 1866, the said Baylor was adjudged to pay a fine of one hundred dollars and to stand committed until the same was paid.

And whereas the said Charles Baylor has appealed from the judgment of said district court to the supreme court of Iowa, now we, Charles Baylor, by occupation a saloon keeper, residing in Des Moines, Iowa, and J. C. Huttonlocker, of Des Moines, by occupation a merchant, and G. Munzenmaier, of Des Moines, by occupation a saloon keeper, now we hereby undertake that the said Charles Baylor will pay said fine, or such part of it as the supreme court may direct, and in all respects abide the orders and the judgment of the supreme court on appeal; or, if he fail to perform either these conditions, that we pay to the State of Iowa the sum of two hundred dollars.

CHARLES BAYLOR,
J. C. HUTTENLOCKER,
G. MUNZENMAIER.

STATE OF IOWA, *Polk County*:

I, J. C. Huttonlocker, after being first duly sworn on oath, state that I am worth the sum of two hundred dollars in property
13 over and above all my liabilities and in property not exempt from execution.

J. C. HUTTONLOCKER.

Subscribed and sworn to J. C. Huttenlocker, before me, this 18th day of January, 1866.

H. H. GRIFFITHS, *Clerk*.

Acknowledged before and accepted by me, at Des Moines, in the township of Des Moines, in the county of Polk, Iowa, this 18th day of July, 1866.

H. H. GRIFFITHS, *Clerk.*

And afterwards, to wit, on the 11th day of May, 1866, there was filed in the office of said clerk a notice of appeal in words and figures following, to wit:

In the district court of Polk county, Iowa.

STATE OF IOWA
*vs.*
CHARLES BAYLOR.

To the clerk of the district court of Polk county, Iowa:

You are hereby notified that the defendant in the above-entitled cause has appealed from the judgment rendered against him at the trial of said cause in the district court of Polk county to this supreme court of the State of Iowa.

You will therefore certify to the clerk of the said supreme court before the next session in June a full and complete copy of the whole record in the case.

FINCH, CLARK & RICE,
*Att'ys for Defendants.*

14 Services accepted May 11th, 1866.

H. H. GRIFFITHS, *Clerk.*

And afterwards, to wit, on the 19th day of May, 1866, there was filed in the office of said clerk a motion of appeal to defendant, in words and figures following, to wit:

In the district court of Polk county, Iowa.

THE STATE OF IOWA
*vs.*
CHARLES BAYLOR.

To the district attorney of the 5th judicial district of the State of Iowa:

You are hereby notified that the defendant in the above-entitled cause has appealed from the judgment rendered against him at the trial of said cause in the district court of Polk county to the supreme court of the State of Iowa, and that the same will be for hearing at the next term thereof.

FINCH, CLARK & RICE,
*Attorneys for Defendants.*

I accept service of this notice and waive a copy, this 17th day of May, 1866.

H. W. MAXWELL,
*District Attorney 5th Judicial District.*

15 STATE OF IOWA, *Polk County:*

I, H. H. Griffiths, clerk of the district court for said county, do hereby certify that the above and foregoing is a true, full, and complete transcript of the cause wherein the State of Iowa was the plaintiff and Charles Baylor was the defendant, as full, true, and complete as the same appears of record in my office.

Witness my hand and the seal of said court, 19th day of May, '66.

[L. S.] H. H. GRIFFITHS, *Clerk.*

[5-cent. int. rev. stamp.]

| | |
|---|---|
| District court's costs | $51 55 |
| Two transcripts | 11 00 |
| Two certificates | 1 10 |
| | 63 65 |

16 Be it remembered, that at a supreme court of the State of Iowa, begun and held at the city of Des Moines, on Thursday, the 14th day of June, A. D. 1866.

Present: Hon. Ralph P. Lowe, chief justice; Jno. F. Dillon, C. C. Cole, Geo. G. Wright, judges.

The following was entered of record, to wit:

THE STATE OF IOWA *against* CHARLES BAYLOR, app'lt. } 2,485. Appeal from Polk co.

This day this cause coming on for hearing was submitted to the consideration of the court.

And afterwards, to wit, on the 16th day of June, 1866, the following was entered of record, to wit:

THE STATE OF IOWA *against* CHARLES BAYLOR, appl't. } 2,485. Appeal from Polk co.

This cause having been submitted to the consideration of the court, and the court being now sufficiently advised in the premises, find that there is no error in the judgment and proceedings of the court below, and file their written opinion.

17 It is therefore considered by the court that the judgment of the court below be affirmed, and that the appellee, the State of Iowa, have and recover of and from the appellant, Charles Baylor, the sum of one hundred dollars as a fine, together with the costs of the court below, taxed at $ , and the costs ot this court, taxed at $ , and stand committed until said fine and costs are fully paid, and a certified copy of this judgment shall be furnished the sheriff of Polk county, by the clerk of this court, which shall be his sufficient warrant to arrest and commit the said Charles Baylor to the jail of Polk county, and to stand so committed in accordance with this

Judgment, and the said Charles Baylor being three times called; comes not, but makes default. It is therefore ordered and adjudged that default be entered in favor of the State of Iowa, and against the said Charles Baylor, and the undertaking of J. C. Huttenlocher and G. Munzenmaier, the bail in this case, is forfeited.

And afterwards, to wit, on the 21st day of June, 1866, the following was entered of record to wit:

18 THE STATE OF IOWA *against* CHARLES BAYLOR, app'lt. } 2,485. Appeal from Polk co.

In this case the court order that if an appeal is taken to the Supreme Court of the U. S., that the bail be in the sum of $200, to be approved by the clerk of this court.

19 STATE OF IOWA, *Supreme Court:*

I, Lewis Kinsey, clerk of the supreme court of the State of Iowa, do hereby certify that the foregoing pages from 16 to 18 inc., contain all the journal entries of said cause in the supreme court of Iowa, as full, true, and complete as the same now appear of record in said court.

In testimony whereof I have hereunto set my hand and affixed the seal of the court, at Des Moines, this 16th day of November, A. D. 1866.

[L. S.] LEWIS KINSEY, *Clerk.*

5 cent revenue stamp.

20 UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the judges of the supreme court of the State of Iowa, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea which is in the said supreme court of the State of Iowa, before you, between the State of Iowa and Charles Bahlor, manifest error hath happened, to the great damage of the said Charles Bahlor as by his complaint appears, and it being fit, that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday in December next, in said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of
21 right and according to the law and custom of the United States should be done.

Witness the honorable Salmon P. Chase, Chief Justice of the said Supreme Court of the United States, this fourth day of December, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the 89th.

[L. S.] W. G. WOODWARD,
*Clerk of the United States Circuit Court*
*for the District of Iowa.*

[50 ct. int. rev. stamp.]

The within writ of error allowed this 25th day of June, 1866.

R. P. LOWE,
*Chief Justice of the Supreme Court of the State of Iowa.*

Filed June 25, '66.

L. KINSEY, *Cl'k.*

22 Supreme court of the State of Iowa.

THE STATE OF IOWA
*vs.*
CHARLES BAHLOR.

I, the undersigned, chief justice of the supreme court of the State of Iowa, do hereby certify that in the above-entitled cause, and upon the hearing and decision thereof in this court, there was drawn in question the validity of the statute of the State of Iowa, entitled "An act for the suppression of intemperance," passed by the general assembly of said State, and which took effect July 1, 1855, and especially the validity of the 8th section of said act, on the ground that said act, and especially the 8th section thereof, were repugnant to and in conflict with the Constitution and laws of the United States; and that the decision of this court was in favor of the validity of said statute, and of the 8th section thereof.

And I do further certify that in the above-entitled cause, and on the hearing and decision thereof in this court, there was drawn in question the validity of the right, privilege, and authority of the defendant, Charles Bahlor, to keep intoxicating liquors, either imported or domestic, with intent to sell the same under a license granted to him by the government of the United States, pursuant to and in compliance with the provisions of the act of Congress, entitled "An act to provide internal revenue to support the government, and to pay interest on the public debt," approved July 1, 1862, and the acts amendatory thereof; and that the decision
23 of this court was against the validity of such right, privilege, or authority under such license.

And I further certify that the said supreme court of the State of Iowa have ordered this certificate to be made a part of the record in the above-entitled cause.

In witness whereof I have hereto set my hand and caused the

seal of the supreme court of the State of Iowa to be affixed, at Des Moines, in said State, this 26th day of June, 1866.

[L. S.] R. P. LOWE,

*Chief Justice of the Supreme Court of the State of Iowa.*

Filed June 26th, 1866.

L. KINSEY, *Cl'k.*

24 STATE OF IOWA, *Supreme Court:*

I, Lewis Kinsey, clerk of the supreme court of Iowa, do hereby certify that the foregoing pages contain a full, true, and complete copy of the transcript in the above-entitled cause of the State of Iowa against Charles Baylor, filed in the supreme court of Iowa, as full, true, and complete as the original now on file in said court. I further certify that I have hereunto attached the original writ of error, directed to the judges of the supreme court of Iowa, and also the certificate of the chief justice of said court.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Des Moines, this 26th day of October, A. D. 1866.

[L. S.] LEWIS KINSEY, *Cl'k.*

[5-ct. stamp, cancelled.]

25 United States of America to the State of Iowa, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, in the District of Columbia, on the first Monday in December next, pursuant to a writ of error filed in the office of the clerk of the supreme court of the State of Iowa, wherein Charles Bahlor is plaintiff and you are defendant in error, to show cause, if any there be, why judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness the honorable Ralph P. Lowe, chief justice of the supreme court of the State of Iowa, this 26th day of October, in the year of our Lord 1866.

R. P. LOWE,

*Chief Justice of the Supreme Court of the State of Iowa.*

26 STATE OF IOWA, *Polk County:*

I, J. M. Walker, being duly sworn, do depose and say that I am United States marshal for the district of Iowa, that the within citation came into my hands on the 27th day of October, 1866, and that I served the same by reading the same to W. M. Stone, governor of the State of Iowa, and delivering to him a true copy of the same, at Knoxville, Iowa, on the 29th day of the same month, and by reading the same and delivering a true copy of same to F. E. Bissell, att'y gen'l of said State, at Dubuque, in said State, on the 1st day of November, 1866, and at the respective times of such

service I did exhibit to governor and attorney general the original hereof.

[L. S.]

J. M. WALKER,
*U. S. Marshal, Dist. of Iowa.*

Subscribed and sworn to before me, on this Nov. 1st, 1866.

JOHN D. RIVES,
*Notary Public, Polk Co., Iowa.*

Marshal's fees:

| | |
|---|---|
| Mileage | $18 42 |
| Service | 4 00 |
| | 22 42 |